

## **FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY**

PRESERVE MARINA OWNERS ASSOCIATION COMMUNITY WATER USE FACILITIES,  
HAW BRANCH, PICKWICK RESERVOIR, HARDIN COUNTY, TENNESSEE

### **Proposed Action and Need**

The Preserve Marina Owners Association Inc. (hereafter referred to as The Preserve) proposes to construct five floating community boat docks accommodating a total of 53 boat slips, an access road, a dry boat storage facility, and an associated parking area in the Haw Branch embayment at Tennessee River Mile 209.6 on Pickwick Reservoir. A boat ramp at the site was previously approved in December 2006. The proposed facilities are for the use of homeowners in the adjacent residential community (i.e., The Preserve). The boat slips require approval by TVA under Section 26a of the *TVA Act* and approval by the U.S. Army Corps of Engineers (USACE) under Section 10 of the *Rivers and Harbors Act* and Section 404 of the *Clean Water Act*. The existing ramp and boat slips would be built on TVA shoreland over which the back-lying landowners have rights of ingress and egress. TVA and USACE have jointly prepared an environmental assessment (EA) of the proposed action. The EA scope includes the shoreline and connected upland facilities. The EA is incorporated by reference.

### **Alternatives**

The following three alternatives were evaluated in the EA: (1) No Action, under which the permit approvals would be denied; (2) Applicant's Proposed Action; and (3) Applicant's Proposed Action With Special Conditions.

### **Impacts Assessment**

The EA concludes that impacts from the proposal to air quality, wildlife and vegetation, noise, transportation, socioeconomics, and environmental justice would be minor and insignificant. There would be no effect on federally listed as endangered and threatened species, and there would be no adverse effect on state-listed species. The U.S. Fish and Wildlife Service (USFWS) concurred with this determination in a letter dated February 14, 2007. The Tennessee Historical Commission (THC), in a letter dated April 9, 2007, concurred with TVA's determination of no effects on cultural resources listed in or eligible for listing in the National Register of Historic Places.

After being cited in September 2007 by the Tennessee Department of Environment and Conservation (TDEC) for erosion and sedimentation of waters of the state and construction without an updated storm water permit, The Preserve has since provided the needed Storm Water Pollution Prevention Plan and implemented best management practices (BMPs) to comply with state regulations. BMPs would be used to minimize impacts to water quality and aquatic life, and impacts on these resources would be insignificant.

No wetlands would be affected. Similar to the existing ramp, the proposed docks would be constructed in the floodplain; TVA has determined that this proposal is a repetitive action and that impacts to the floodplain have been minimized to the extent practicable. There would be no impact to flood control, and the proposal complies with Executive Order 11988 on floodplain management.

The proposed facilities would alter the visual character and recreational use of the relatively undeveloped Haw Branch embayment. The proposed facilities would extend along about 1,200 feet of the embayment shoreline. The remaining embayment shoreline is owned by TVA and would be managed under TVA's Shoreline Management Policy. Blocks of TVA-managed shoreland on both banks at the mouth of the embayment would remain undisturbed. With implementation of standard TVA permit requirements and the special conditions associated with Alternative 3 to reduce the visual impact of the facilities, TVA has determined that the visual impacts would be insignificant. While the proposed facilities would provide additional recreational boating opportunities, they would also result in an increase in the density of boats on the reservoir. Given the large size of the adjacent reservoir, this would have minor and insignificant effects on recreational boating or commercial navigation. The facilities would not interfere with boating in the Haw Branch embayment, although some of the sense of solitude presently experienced by boaters there would be lost. Overall impacts to recreation would be insignificant.

### **Public and Intergovernmental Review**

The Preserve proposal was the subject of Joint Public Notice 07-01 issued by TVA and USACE on January 12, 2007. In response to requests from the public, the 30-day comment period was extended twice for a total of 21 additional days. Three agencies, USFWS, THC, and the Tennessee Wildlife Resources Agency (TWRA), submitted comments. Analyses requested by THC and TWRA were incorporated into the EA. Many private citizens, including the Friends of Pickwick organization, responded to the public notice, and most opposed the proposal. The issues they raised were addressed in the EA. The USACE district engineer denied a request for a public hearing after deciding that a hearing would not likely provide any additional information. A draft of the EA (DEA) was issued for public review with a 40-day comment period. Comments were received from the applicant, USFWS, TWRA, TDEC, and the Friends of Pickwick. None of these comments raised issues that were not already addressed in the DEA. TVA and USACE denied a request for reissuance of the public notice and extension of the DEA comment period because of the previous extended comment opportunity and because the relatively long 40-day period was adequate to review and comment on the DEA.

### **Mitigation and Special Permit Conditions**

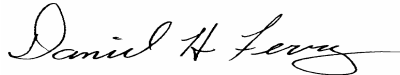
As stated in the EA, TVA's and USACE's permit approvals are dependent on adherence to several special conditions incorporated into Alternative 3. Several of these listed special conditions are standard conditions of TVA Section 26a approvals. Required nonroutine mitigation measures include the following:

- Site lighting, including that required by the U.S. Coast Guard, would be equipped with full cutoff features that limit the amount of waste light produced at a vertical angle of 80 degrees above the lowest light-emitting portion of the luminaire.
- The Preserve would not plant, cultivate, or otherwise establish any nonnative vegetation on the TVA shoreland. In addition, in the immediate vicinity of the dry storage facility, The Preserve would use native grasses or nonnative, noninvasive species for site stabilization and native plants for landscaping purposes. TVA would provide The Preserve with a list of native plants endemic to the region and encourage their use for site stabilization and residential landscaping purposes on the adjoining private uplands.
- The proposed dry storage facility and open and covered water use facilities (floating covered boat slips) would be designed and constructed with materials that are nonreflective and analogous in color to the surrounding environment and the back-lying shoreline landscape.

- To minimize effects on blue sage (*Salvia azurea* var. *grandiflora*) and ovate catchfly (*Silene ovata*), The Preserve would not conduct the remaining work on the dry storage access road, parking area, or any portion thereof within the area of potential habitat (transmission line right-of-way corridor), during the flowering/fruitle time (mid-July to mid-September) for these plant species.

### Conclusion and Findings

TVA has independently reviewed the USACE EA, jointly prepared, and found it to be adequate. TVA is therefore adopting this EA. Based on the EA, we conclude that issuance of the Section 26a approval for this proposal would not be a major federal action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required. This finding of no significant impact is contingent upon adherence to the permit conditions and mitigation measures described above.



January 27, 2009

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Date Signed